

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Ratliff, Farney, King of Hemphill,  
Patrick, Huberty, et al.

H.B. No. 2836

### A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of certain state-adopted or  
3 state-developed assessment instruments to public school students.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 39.023, Education Code, is amended by  
6 amending Subsection (a) and adding Subsections (a-3), (a-4), (a-5),  
7 and (a-6) to read as follows:

8 (a) The agency shall adopt or develop appropriate  
9 criterion-referenced assessment instruments designed to assess  
10 essential knowledge and skills in reading, ~~[writing,~~ mathematics,  
11 social studies, and science. Except as provided by Subsection  
12 (a-2), all students, other than students assessed under Subsection  
13 (b) or (1) or exempted under Section 39.027, shall be assessed in:

14 (1) mathematics, annually in grades three through  
15 seven without the aid of technology and in grade eight with the aid  
16 of technology on any assessment instrument that includes algebra;

17 (2) reading, annually in grades three through eight;

18 (3) ~~[writing, including spelling and grammar, in  
19 grades four and seven,~~

20 ~~[(4)]~~ social studies, in grade eight;

21 (4) ~~[(5)]~~ science, in grades five and eight; and

22 (5) ~~[(6)]~~ any other subject and grade required by  
23 federal law.

24 (a-3) Before an assessment instrument adopted or developed

1 under Subsection (a) may be administered under that subsection, the  
2 assessment instrument must, on the basis of empirical evidence, be  
3 determined to be valid and reliable by an entity that is independent  
4 of the agency and of any other entity that developed the assessment  
5 instrument.

6 (a-4) The agency shall ensure that an assessment instrument  
7 adopted or developed under Subsection (a) is designed to primarily  
8 assess the essential knowledge and skills identified by the State  
9 Board of Education under Section 28.002 of the subject and for the  
10 grade level for which the assessment instrument is administered.  
11 Only to the extent necessary or helpful for diagnostic or reporting  
12 purposes, the assessment instrument may also assess supporting  
13 knowledge or skills that are introduced or referenced in the  
14 subject and for the grade level for which the assessment instrument  
15 is administered but that are identified as essential knowledge or  
16 skills primarily of a different subject or for a different grade  
17 level.

18 (a-5) An assessment instrument adopted or developed under  
19 Subsection (a) must be designed so that:

20 (1) if administered to students in grades three  
21 through five, 85 percent of students will be able to complete the  
22 assessment instrument within 120 minutes; and

23 (2) if administered to students in grades six through  
24 eight, 85 percent of students will be able to complete the  
25 assessment instrument within 180 minutes.

26 (a-6) The amount of time allowed for administration of an  
27 assessment instrument adopted or developed under Subsection (a) may

1 not exceed eight hours, and the administration may occur on only one  
2 day.

3 SECTION 2. Subchapter B, Chapter 39, Education Code, is  
4 amended by adding Section 39.0263 to read as follows:

5 Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED  
6 BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR  
7 STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) In this section,  
8 "benchmark assessment instrument" means a district-required  
9 assessment instrument designed to prepare students for a  
10 corresponding state-administered assessment instrument.

11 (b) Except as provided by Subsection (c), a school district  
12 may not administer to any student more than two benchmark  
13 assessment instruments to prepare the student for a corresponding  
14 state-administered assessment instrument.

15 (c) The prohibition prescribed by this section does not  
16 apply to the administration of a college preparation assessment  
17 instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT,  
18 an advanced placement test, an international baccalaureate  
19 examination, or an independent classroom examination designed or  
20 adopted and administered by a classroom teacher.

21 (d) A parent of or person standing in parental relation to a  
22 student who has special needs, as determined in accordance with  
23 commissioner rule, may request administration to the student of  
24 additional benchmark assessment instruments.

25 SECTION 3. Section 39.053, Education Code, is amended by  
26 adding Subsection (c-1) to read as follows:

27 (c-1) The indicator of student achievement under Subsection

1 (c)(1) may not include student performance as to supporting  
2 knowledge or skills as described by Section 39.023(a-4).

3 SECTION 4. This Act applies beginning with the 2013-2014  
4 school year.

5 SECTION 5. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2013.

ADOPTED

1/21/2015

*Atty Gen*  
Secretary of the Senate

By: Patrick

H.B. No. 2836

Substitute the following for H.B. No. 2836:

By: Jan Patrick

C.S. H.B. No. 2836

A BILL TO BE ENTITLED

AN ACT

relating to the administration of certain state assessment instruments to public school students and to a study of the essential knowledge and skills of the required public school curriculum and of certain state assessment instruments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.023, Education Code, is amended by adding Subsections (a-3), (a-4), and (a-5) to read as follows:

(a-3) Before an assessment instrument adopted or developed under Subsection (a) may be administered under that subsection, the assessment instrument must, on the basis of empirical evidence, be determined to be valid and reliable by an entity that is independent of the agency and of any other entity that developed the assessment instrument.

(a-4) An assessment instrument adopted or developed under Subsection (a) must be designed so that a majority of students will be able to complete the assessment instrument within 180 minutes.

(a-5) The amount of time allowed for administration of an assessment instrument adopted or developed under Subsection (a) may not exceed eight hours, and the administration may occur on only one day.

SECTION 2. Subchapter B, Chapter 39, Education Code, is

amended by adding Section 39.0236 to read as follows:

Sec. 39.0236. STUDY OF ESSENTIAL KNOWLEDGE AND SKILLS AND ASSESSMENT INSTRUMENTS. (a) An advisory committee shall be established to conduct a study regarding the essential knowledge and skills of the required curriculum and assessment instruments administered under Section 39.023 to students in grades three through eight. The committee must be composed of:

(1) four members of the senate education committee appointed by the lieutenant governor and four members of the house public education committee appointed by the speaker of the house of representatives;

(2) two members of the public appointed by the lieutenant governor;

(3) two members of the public appointed by the speaker of the house of representatives; and

(4) two members of the State Board of Education appointed by the chair of the board.

(b) The study must evaluate:

(1) the number and scope of the essential knowledge and skills of each subject area of the required curriculum under Section 28.002 and whether the number or scope should be limited;

(2) the number and subjects of assessment instruments under Section 39.023 that should be administered to students in grades three through eight; and

(3) whether assessment instruments described by

Subdivision (2) should assess only essential knowledge and skills or should also assess supporting standards.

(c) Not later than October 1, 2014, the committee shall prepare and submit to the governor, each member of the legislature, the commissioner, and the State Board of Education a report that includes the results of the study and recommendations regarding each issue evaluated under Subsection (b).

(d) This section expires June 1, 2015.

SECTION 3. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0263 to read as follows:

Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS TO PREPARE STUDENTS FOR STATE-ADMINISTERED ASSESSMENT INSTRUMENTS. (a) In this section, "benchmark assessment instrument" means a district-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument.

(b) Except as provided by Subsection (c), a school district may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.

(c) The prohibition prescribed by this section does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, a formative assessment used by a teacher to adjust

ongoing teaching and learning, or an independent classroom examination designed or adopted and administered by a classroom teacher.

(d) A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with commissioner rule, may request administration to the student of additional benchmark assessment instruments.

SECTION 4. Section 39.0301, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In establishing procedures for the administration of assessment instruments under Subsection (a)(1), the commissioner shall ensure that the procedures are designed to minimize disruptions to school operations and the classroom environment. In implementing the procedures established for the administration of assessment instruments under Subsection (a)(1), a school district shall minimize disruptions to school operations and the classroom environment.

SECTION 5. This Act applies beginning with the 2013-2014 school year.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.



**ADOPTED**

*Joan Huffman*

FLOOR AMENDMENT NO. 2

MAY 21 2013 BY:

*Debra Spaul*  
Secretary of the Senate

1 Amend C.S.H.B. 2836 (Senate Committee Printing) by adding  
2 the following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_. Section 39.055, Education Code, is amended to  
5 read as follows:

6 Sec. 39.055. STUDENT ORDERED BY A JUVENILE COURT OR  
7 STUDENT IN RESIDENTIAL FACILITY NOT CONSIDERED FOR  
8 ACCOUNTABILITY PURPOSES. Notwithstanding any other provision of  
9 this code except to the extent otherwise provided under Section  
10 39.054(f), for purposes of determining the performance of a  
11 school district, ~~or~~ campus, or open-enrollment charter school  
12 under this chapter, a student ordered by a juvenile court into a  
13 residential program or facility operated by or under contract  
14 with the Texas Juvenile Justice Department [~~Youth Commission,~~  
15 ~~the Texas Juvenile Probation Commission~~], a juvenile board, or  
16 any other governmental entity or any student who is receiving  
17 treatment in a residential facility is not considered to be a  
18 student of the school district in which the program or facility  
19 is physically located or of an open-enrollment charter school,  
20 as applicable. The performance of such a student on an  
21 assessment instrument or other student achievement indicator  
22 adopted under Section 39.053 or reporting indicator adopted  
23 under Section 39.301 shall be determined, reported, and  
24 considered separately from the performance of students attending  
25 a school of the district in which the program or facility is  
26 physically located or an open-enrollment charter school, as  
27 applicable.

**ADOPTED**

<sup>VV</sup>  
MAY 22 2013

BY:

*Wendy K. Davis*

FLOOR AMENDMENT NO. 3

*Atty. Gen.*  
Secretary of the Senate

1 Amend C.S.H.B. No. 2836 (senate committee report) as  
2 follows:

3 (1) In SECTION 1 of the bill, in the recital (page 1, line  
4 27), strike "and (a-5)" and substitute "(a-5), (b-1), and (b-  
5 2)".

6 (2) In SECTION 1 of the bill, in amended Section 39.023,  
7 Education Code (page 1, between lines 40 and 41), insert the  
8 following:

9 (b-1) The agency, in conjunction with appropriate  
10 interested persons, shall redevelop assessment instruments  
11 adopted or developed under Subsection (b) for administration to  
12 significantly cognitively disabled students in a manner  
13 consistent with federal law. An assessment instrument under  
14 this subsection may not require a teacher to prepare tasks or  
15 materials for a student who will be administered such an  
16 assessment instrument.

17 (b-2) Assessment instruments redeveloped under Subsection  
18 (b-1) shall be administered beginning not later than the 2014-  
19 2015 school year. This subsection expires September 1, 2015.

# ADOPTED

FLOOR AMENDMENT NO.

H

MAY 22 2013

*Leta Stuebe*  
Secretary of the Senate

BY:

Wendy R Davis

1 Amend C.S.H.B. No. 2836 (senate committee printing) by  
2 inserting into the bill the following appropriately numbered new  
3 SECTION and renumbering subsequent SECTIONS of the bill  
4 accordingly:

5 SECTION \_\_\_\_ . Subchapter B, Chapter 39, Education Code, is  
6 amended by adding Section 39.038 to read as follows:

7 Sec. 39.038. AUDITING AND MONITORING PERFORMANCE UNDER  
8 CONTRACTS FOR ASSESSMENT INSTRUMENTS. (a) The agency by rule  
9 shall develop a comprehensive methodology for auditing and  
10 monitoring performance under contracts for services to develop  
11 or administer assessment instruments required by Section 39.023  
12 to verify compliance with contractual obligations.

13 (b) The agency shall ensure that all new and renewed  
14 contracts described by Subsection (a) include a provision that  
15 the agency or a designee of the agency may conduct periodic  
16 contract compliance reviews, without advance notice, to monitor  
17 vendor performance.

18 (c) The agency shall adopt rules to administer this  
19 section.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 23, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2836** by Ratliff (Relating to the administration of certain state assessment instruments to public school students and to a study of the essential knowledge and skills of the required public school curriculum and of certain state assessment instruments.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2836, As Passed 2nd House: a negative impact of (\$1,100,000) through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$1,100,000)
2015	\$0
2016	\$0
2017	\$0
2018	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>Foundation School Fund</i> 193
2014	(\$1,100,000)
2015	\$0
2016	\$0
2017	\$0
2018	\$0

**Fiscal Analysis**

The bill would require each assessment instrument to be determined to be valid and reliable on the

basis of empirical evidence by an entity that is independent of the test developer and the Texas Education Agency (TEA).

The bill would require an assessment instrument to be designed so that a majority of students will be able to complete the assessment within 180 minutes; and the maximum time allowed for an assessment is eight hours, to be completed in one calendar day.

The bill would create an advisory committee to conduct a study regarding the essential knowledge and skills of the required curriculum and assessment instruments administered to students in grades three through eight.

The bill would require the Commissioner of Education to ensure that procedures are designed to minimize disruptions to school operations and the classroom environment.

The bill would require the Texas Education Agency (TEA) to redevelop assessment instruments for significantly cognitively disabled students. These assessment instruments could not require a teacher to prepare tasks or materials for a student who would be administered the assessment instrument. The bill would require the redeveloped assessment instruments to be administered beginning with the 2014-2015 school year.

The bill would create the Texas Achievement School District (TASD) to manage and operate campuses identified as unacceptable in the state accountability system for two consecutive school years that are removed from their home district at the discretion of the commissioner of education, pursuant to the provisions of the bill.

The bill would require TEA to develop a comprehensive methodology for auditing and monitoring performance for contracts to provide services to develop or administer assessment instruments. The bill would require TEA to ensure that all such new and renewed contracts for services related to assessment instruments include provisions for compliance reviews to monitor vendor performance. The TEA reports that these provisions would have no significant fiscal impact on the agency, as TEA currently has a comprehensive auditing and monitoring methodology in place for vendors providing assessment instrument services. The TEA would be required to adopt this methodology in commissioner rule.

The bill would exclude students being served in a residential facility for accountability purposes for a campus, district, or open-enrollment charter school. These students would not be counted as dropouts if they left the residential facility after receiving treatment for fewer than 85 days and failed to enroll after treatment unless the campus or district that was serving the facility was the one to which the student was regularly assigned.

## **Methodology**

Based on information provided by the Texas Education Agency, provisions of the bill would require a redevelopment of the alternative assessment instruments for significantly cognitively disabled students at an estimated cost of \$1.1 million in fiscal year 2014.

The bill would create the Texas Achievement School District (TASD). For funding purposes, the bill stipulates that the TASD would be entitled to Foundation School Program funding as if it were a district without a Tier 1 local share. The bill further stipulates that the FSP entitlement for the school district or charter holder from which the campus is removed is reduced by the amount received by the Texas Achievement School District, including the Tier 1 local share. As such, TEA estimates the fiscal impact of these provisions to the FSP to be neutral under the provisions of the

bill.

**Local Government Impact**

School districts and open-enrollment charter schools with campuses in the Texas Achievement School District would be required to collaborate with the TASD and would experience a loss of revenue associated with students served on campuses removed to the TASD.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc, AH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 19, 2013**

**TO:** Honorable Dan Patrick, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2836** by Ratliff (Relating to the administration of certain state assessment instruments to public school students and to a study of the essential knowledge and skills of the required public school curriculum and of certain state assessment instruments.),  
**Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would require each assessment instrument to be determined to be valid and reliable on the basis of empirical evidence by an entity that is independent of the test developer and the Texas Education Agency (TEA).

The bill would require an assessment instrument to be designed so that a majority of students will be able to complete the assessment within 180 minutes; and the maximum time allowed for an assessment is eight hours, to be completed in one calendar day.

The bill would create an advisory committee to conduct a study regarding the essential knowledge and skills of the required curriculum and assessment instruments administered to students in grades three through eight.

The bill would require the Commissioner of Education to ensure that procedures are designed to minimize disruptions to school operations and the classroom environment.

Based on information provided by TEA, this analysis assumes that any costs associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc, AH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 13, 2013**

**TO:** Honorable Dan Patrick, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2836** by Ratliff (Relating to the administration of certain state-adopted or state-developed assessment instruments to public school students.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2836, As Engrossed: a positive impact of \$15,960,000 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$7,980,000
2015	\$7,980,000
2016	\$7,980,000
2017	\$7,980,000
2018	\$7,980,000

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Foundation School Fund</i> 193
2014	(\$20,000)	\$8,000,000
2015	(\$20,000)	\$8,000,000
2016	(\$20,000)	\$8,000,000
2017	(\$20,000)	\$8,000,000
2018	(\$20,000)	\$8,000,000

**Fiscal Analysis**

The bill would require each assessment instrument to be determined to be valid and reliable on the basis of empirical evidence by an entity that is independent of the test developer and the Texas Education Agency (TEA).



The bill would eliminate the writing assessment in grades four and seven.

The bill would require assessment instruments to be designed to primarily assess the essential knowledge and skills identified by the State Board of Education of the subject and for the grade level for which the assessment instrument is administered.

The bill would require assessments in grades three through five to be designed such that 85 percent of students complete the assessment within 120 minutes; assessments in grades six through eight shall be designed such that 85 percent of students complete the assessment within 180 minutes; and the maximum time allowed for an assessment is eight hours, to be completed in one calendar day.

### **Methodology**

Based on information provided by TEA, the savings estimated from the elimination of the assessments would be \$8.0 million, including \$4.4 million to eliminate the grade 4 writing assessment and \$3.6 million to eliminate the grade 7 writing assessment.

Based on information provided by TEA, it would cost \$20,000 per fiscal year to contract with an entity to review the assessment instruments to determine whether they are established empirically to be valid and reliable.

### **Local Government Impact**

School districts and open-enrollment charter schools would no longer be required to proctor the writing assessments in grades four and seven.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc, AH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 14, 2013**

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2836** by Ratliff (Relating to the requirements for and use of certain state-administered assessment instruments administered to public school students.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2836, Committee Report 1st House, Substituted: a positive impact of \$9,570,000 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	\$4,740,000
2015	\$4,830,000
2016	\$4,830,000
2017	\$4,830,000
2018	\$4,830,000

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from <i>General Revenue Fund</i></b>	<b>Probable Savings/(Cost) from <i>Foundation School Fund</i></b>
	<b>1</b>	<b>193</b>
2014	(\$110,000)	\$4,850,000
2015	(\$20,000)	\$4,850,000
2016	(\$20,000)	\$4,850,000
2017	(\$20,000)	\$4,850,000
2018	(\$20,000)	\$4,850,000

**Fiscal Analysis**

The bill would require each assessment instrument to be determined to be valid and reliable on the

basis of empirical evidence by an entity that is independent of the test developer and the Texas Education Agency (TEA).

The bill would eliminate the writing assessment in grade seven and the social studies assessment in grade eight.

The bill would require assessment instruments to be designed to primarily assess the essential knowledge and skills identified by the State Board of Education of the subject and for the grade level for which the assessment instrument is administered.

The bill would require assessments in grades three through five to be designed such that 85 percent of students complete the assessment within 120 minutes; assessments in grades six through eight shall be designed such that 85 percent of students complete the assessment within 180 minutes; and the maximum time allowed for an assessment is eight hours, to be completed in one calendar day.

### **Methodology**

Based on information provided by TEA, the savings estimated from the elimination of the assessments would be \$4.9 million, including \$3.6 million to eliminate the grade 7 writing assessment and \$1.3 million to eliminate the grade 8 social studies assessment.

Based on information provided by TEA, it would cost \$20,000 per fiscal year to contract with an entity to review the assessment instruments to determine whether they are established empirically to be valid and reliable.

The requirement that assessments should fit within certain time limits would require a study in fiscal year 2014 at an estimated cost of \$90,000. Based on the results of the study, there could be additional costs to redevelop certain assessments in fiscal years 2015 and beyond to modify the identified assessments to fit within the prescribed time limits.

### **Local Government Impact**

School districts and open-enrollment charter schools would no longer be required to proctor the writing assessments in grade seven and the social studies assessment in grade eight.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc, AH

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 1, 2013**

**TO:** Honorable Jimmie Don Aycocock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2836** by Ratliff (Relating to state assessment instruments administered in grades three through eight in public schools.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2836, As Introduced: a positive impact of \$16,870,000 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$9,140,000
2015	\$7,730,000
2016	\$7,730,000
2017	\$9,230,000
2018	\$9,230,000

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Foundation School Fund</i> 193
2014	(\$110,000)	\$9,250,000
2015	(\$1,520,000)	\$9,250,000
2016	(\$1,520,000)	\$9,250,000
2017	(\$20,000)	\$9,250,000
2018	(\$20,000)	\$9,250,000

**Fiscal Analysis**

The bill would require any criterion-referenced assessment instruments to be established empirically to be valid and reliable by an entity that is independent of the test developer and the Texas Education Agency (TEA).

The bill would eliminate writing assessments in grades four and seven and social studies assessment in grade eight.

The bill would require criterion-referenced assessment instruments to be designed to measure only readiness standards, defined to mean only those standards that are essential for success in the current grade or course.

The bill would require assessments in grades three through five to be designed such that 85 percent of students complete the assessment within 120 minutes; assessments in grades six through eight shall be designed such that 85 percent of students complete the assessment within 180 minutes; and the maximum time allowed for an assessment is eight hours, to be completed in one calendar day.

### **Methodology**

Based on information provided by TEA, the savings estimated from the elimination of the assessments would be \$9.3 million, including \$4.4 million to eliminate the grade 4 writing assessment, \$3.6 million to eliminate the grade 7 writing assessment, and \$1.3 million to eliminate the grade 8 social studies assessment.

Based on information provided by TEA, it would cost \$20,000 per fiscal year to contract with an entity to review the assessment instruments to determine whether they are established empirically to be valid and reliable.

The estimated cost to develop the readiness standards would be \$1.5 million in fiscal year 2015 and \$1.5 million in fiscal year 2016.

Based on information provided by TEA, the requirement that assessments should fit within certain time limits would require a study in fiscal year 2014 at an estimated cost of \$90,000. Based on the results of the study, there could be additional costs to redevelop certain assessments in fiscal years 2015 and beyond to modify the identified assessments to fit within the prescribed time limits.

### **Local Government Impact**

School districts and open-enrollment charter schools would no longer be required to proctor the writing assessments in grades four and seven and the social studies assessment in grade eight.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc, AH